



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,937	12/10/2003	Peter Maurits Maria Van Geert	CM1976C	6673

27752 7590 01/14/2005

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

MAYES, MELVIN C

ART UNIT	PAPER NUMBER
----------	--------------

1734

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,937

Applicant(s)

VAN GEERT ET AL.

Examiner

Melvin Curtis Mayes

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

(1)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(2)

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said thermoplastic film" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 claims a "polyester film."

Claim Rejections - 35 USC § 103

(3)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(4)

Claims 1, 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of WO 93/08084 and Catena et al. 5,658,968.

The admitted prior discloses that a typical holographic film structure for packaging comprises an organic solvent based lacquer applied to a polyester film, the lacquer embossed, a metallic layer, typically aluminum, applied to the embossed lacquer, the polyester film laminated

Art Unit: 1734

to other films and the structure printed (pg. 1-2). The admitted prior art does not disclose that the organic solvent based lacquer is acrylic based or disclose printing the metallic layer by first applying a water based primer then an organic solvent based ink.

WO 93/08084 teaches that in making packaging material with holographic pattern by embossing a thermoplastic layer formed on a plastic film substrate, the thermoplastic layer may comprise an acrylic or polyurethane which softens and can be embossed under light pressure and can applied as a solvent-based emulsion or lacquer (pg. 1, lines 21-35).

Catena et al. teach that solvent-borne flexible packaging printing inks are widely used to print a wide variety of substrates such as plastic films and aluminum foils. Catena et al. teach that blocking is a problem which typically occurs when printing on on-absorbent substrates such as flexible packaging and teaches that water-borne primers and adhesives are used, which printers and packagers prefer. Catena et al. teach using a solvent-borne printing ink with increased water-borne primer compatibility and teach that solvents for the printing ink can be selected from alkanols such as ethanol, acetates such as ethyl acetate or mixtures thereof (col. 1, lines 10-50, col. 2, lines 57-61, col. 3, lines 24-31).

It would have been obvious to one of ordinary skill in the art to have modified the method of the admitted prior art for making a holographic film structure for packaging by providing the organic solvent based lacquer on the polyester film as an acrylic lacquer, as taught by WO '084, as a solvent-based lacquer that can be applied to a plastic film substrate for embossing to make packaging material having a holographic pattern, the thermoplastic acrylic enabling embossing under light pressure. The use of an organic solvent-based acrylic lacquer in the method of the admitted prior art would have been obvious to one of ordinary skill in the art,

Art Unit: 1734

as taught by WO '084, as a lacquer applied to a substrate for embossing for making packaging material with holographic pattern.

It would have been obvious to one of ordinary skill in the art to have further modified the method of the admitted prior art for making packaging material with holographic film structure by applying a water-borne primer to the aluminum metallic layer before printing, as taught by Catena et al., as primer preferred by printers and packagers to prevent blocking which typically occurs when printing on non-absorbent substrates such as flexible packaging. The use of a water based primer such as acrylic would have been obvious to one of ordinary skill in the art to prevent blocking which can occur when printing on packaging substrates such as aluminum.

It would have been obvious to one of ordinary skill in the art to have further modified the method of the admitted prior art by printing on the water based primer using an ink that is solvent borne, as taught by Catena et al, as widely used to print on a wide variety of packaging substrates. Printing on the water based primer by a solvent based ink would have been obvious to one ordinary skill in the art, as Catena et al. teach that solvent based printing inks are widely used and teach that such inks are improved in water based primer compatibility for printing on water based primers, such primers being preferred by printers and packagers.

It would have been obvious to one of ordinary skill in the art to have further modified the method of the admitted prior art by providing the white and colored solvent based inks for printing as each comprising ethanol and ethyl acetate, as Catena et al. teach that solvent for printing ink can be a mixture of an alkanol such as ethanol and an acetate such as ethyl acetate.

Response to Arguments

(5)

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection, applied because of the amendment to Claim 1.

Conclusion

(6)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


(7)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

Art Unit: 1734

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
January 12, 2005